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APPLICANT(S): David A. Pechner, Laurence J. Newell and Mark D. Konezny
APPLICATION NO.: 09/816,242
FILING DATE: March 23, 2001
TITLE: Through-timing of data transmitted across an optical
communications system utilizing frequency division multiplexing
EXAMINER: Unassigned
GROUP ART UNIT: 2633
ATTY. DKT. NO.: 20852-05747

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: July 20, 2001

By: Michael W. Farn
Michael W. Farn, Reg. No. 41,015

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of 2 of the listed references which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

The Information Disclosure Statement submitted herewith is being filed:

☒ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior applications Serial No. 09/405,367, filed on September 24, 1999, and Serial No. 09/571,349, filed on March 5, 1998, the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred;
OR
 - ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
 - ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
 - (1) a final action under 37 CFR §1.113; OR
 - (2) a notice of allowance under 37 CFR §1.311; AND
 - ☐ attached hereto is the fee of \$180, as set forth under 37 CFR §1.17(p), for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
- OR
- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either:

- [1] a final action under 37 CFR § 1.113; OR
- [2] a notice of allowance under 37 CFR § 1.311; AND
- in accordance with the requirements of 37 CFR § 1.97(d):
- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND
- ☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

☒ Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
DAVID A. PECHNER et al.

Dated: July 20, 2001

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FORM PTO-1449

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U.S. DEPARTMENT OF COMMERCE
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Attorney's Docket No.

20852-05747

Serial No.

09/816,242

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Applicant

David A. Pechner et al.

Filing Date

March 23, 2001

Group Art Unit

2633

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B	6,078,412	06/20/00	Fuse et al.	359	124	10/03/96

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						Yes	No
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FORM PTO-1449 (REV. 6-89)		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office		Technology Center 2800 Attorney's Docket No. 20852-05747		Serial No. 09/816,242	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Applicant David A. Pechner et al.			
				Filing Date March 23, 2001		Group Art Unit 2633	
U.S. PATENT DOCUMENTS							
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